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In re Application of :
Manley :
Serial No.: 10/018,076 :
PCT No.: PCT/GB00/01821 : DECISION ON
Int. Filing Date: 12 May 2000 :
Priority Date: 04 June 1999 : PETITION
Attorney's Docket No.: CPI-C591-US :
For: HARD TURNING :

This decision is responsive to the "PETITION FOR WITHDRAWAL OF A HOLDING OF ABANDONMENT" filed 13 July 2005.

BACKGROUND

On 12 May 2000, applicants filed international application PCT/GB00/01821, which claimed priority of an earlier Great Britain application filed 04 June 1999. A Demand for international preliminary examination was filed on 28 September 2000. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 04 December 2001.

On 04 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, a preliminary amendment and the basic national fee. These papers were assigned Application No. 10/018,076.

On 30 August 2004, applicants filed a "CHANGE OF CORRESPONDENCE ADDRESS Application" which indicated that all future correspondence should be sent to Brian Ribando.

On 02 December 2004, applicant was mailed a non-final office action by the examiner. However, that action was mailed to Daniel Stelter at a Cincinnati, OH address. This was returned by the United States Postal Service as being undeliverable.

On 06 June 2005, attorney Ribando received a telephone call from the examiner indicating that the application was abandoned for failure to respond to the office action mailed 02 December 2004.

On 13 July 2005, applicant filed the current petition alleging that the application was abandoned improperly since the office action dated 02 December 2004 was mailed to the wrong address. Therefore, applicant did not receive the office action and did not have the opportunity to respond.

DISCUSSION

Applicant filed the change in correspondence address on 30 August 2004, well before the non-final office action was mailed on 02 December 2004. Therefore, the non-final office action was sent to the wrong address, and applicant was not given the opportunity to respond.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

This application is being forwarded back to the examiner for mailing of the non-final office action to the correct address, along with a new statutory period for response.



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